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*“It should be your care, therefore, and mine, to elevate the minds of our children and exalt their courage; to accelerate and animate their industry and activity; to excite in them an habitual contempt of meanness, abhorrence of injustice and inhumanity, and an ambition to excel in every capacity, faculty, and virtue. . . . But their bodies must be hardened, as well as their souls exalted.”*

***John Adams in a letter to Abigail Adams***

**School Choice Continues to Expand on the State Level**

The school choice movement continues to see victories on the state level as governors in the states of Kansas, Montana, and Arkansas have approved bills that create or expand tax credit scholarship programs to provide school choice opportunities for students in their states. [Kansas](#) Governor Laura Kelly has indicated her approval of legislation that passed both legislative chambers by a large majority (107-9 in the House and 35-4 in the Senate). The bill expands the state’s tax credit scholarship to include reduced price lunch students and also removes the eligibility requirement that students attend a low-performing public school before participating. [Montana](#) Governor Greg Gianforte signed a bill that that will increase the tax credit for donors who contribute to a scholarship organization, from a \$150 tax credit to a dollar-for-dollar tax credit up to \$200,000. [Arkansas](#) Governor Asa Hutchinson signed into law a bill that will create the Philanthropic Investment in Arkansas Kids Program Act, a tax credit scholarship program that will provide up to \$2 million in scholarships for low-income students. This makes Arkansas the 20th state to establish a tax credit scholarship program to provide school choice. These states follow several other states which have either expanded or created school choice programs during this year’s legislative session, including Florida, West Virginia, Kentucky, Nevada, Indiana, and Missouri, all of which enacted substantial programs which will provide school choice opportunities to thousands of students in their states.

“This is a banner year for the educational choice movement. Hundreds of thousands of children nationwide will now have greater access to educational opportunities,” [noted](#) Jason Bedrick, director of policy at Ed Choice. In total, 30 states have introduced 50 bills during this legislative session. A report by Dr. Lindsey Burke of the Heritage Foundation points to the challenges in public education during the last year as causing the impetus for parents to push legislators for education reform. She [notes](#), “The events of the last year have demonstrated to many families that public schools are not always the reliable institutions many thought they were. It also opened their eyes to just how powerful the teachers unions are, and revealed what many already suspected: that their modus operandi is not to support teachers who want to teach but to score political wins.” School choice expert and advocate [Corey DeAngelis](#) noted that polls taken in the last year show that support for school choice [surged](#) between the spring and fall of 2020 as parents faced the challenges of virtual schooling and teachers unions’ resistance to reopening. Ironically, after years of blocking school choice expansion, the [teachers unions’ actions](#) during the pandemic have been the catalyst for state legislatures to establish programs that fund students rather than systems.

## **Supreme Court Agrees to Hear Case Challenging *Roe v. Wade***

On Monday, the Supreme Court agreed to hear a [case](#) that challenges Mississippi's 2018 law that limits the right to an abortion to the first fifteen weeks of pregnancy. The case, called *Dobbs v. Jackson Women's Health*, does not directly challenge the *Roe v. Wade* ruling that legalized abortion in 1973, but it could leave the door open for limiting abortion by [asking the Court](#) whether a state can constitutionally place any prohibitions or restrictions on abortion. The Mississippi law strictly limits abortions to the first trimester of pregnancy and includes an exception only for the life of the mother. Abortion activists have pushed back against any form of restrictions on abortion in other states, resulting in lawsuits and state laws being overturned. By taking this case, however, the Supreme Court could establish a new standard that allows for regulations and restrictions of the abortion industry, saving thousands of innocent lives every year. This case follows last year's disappointing Supreme Court decision in [June Medical Services v. Russo](#), in which the Court ruled 5-4 that a Louisiana law requiring abortion providers to have admitting privileges at nearby hospitals unconstitutionally posed an "undue burden" on women seeking an abortion. Since then, Justice Amy Coney Barrett has joined the bench, giving many pro-life advocates hope that the Court will rule favorably in this case. The case will be heard next term, which begins on October 4, 2021.

## **Federal Agencies Take Steps to Redefine "Sex" to Include Sexual Orientation and Gender Identity**

The Department of Health and Human Services (HHS) has [announced](#) it will prohibit sex discrimination on the basis of sexual orientation and gender identity (SOGI) in Title IX and in Section 1557 of the Affordable Care Act (Obamacare), which prohibits discrimination in certain health care programs. HHS justified this decision as bringing the agency in line with the Supreme Court's *Bostock* decision last year, which redefined "sex" in Title VII employment law to include SOGI. The HHS Office for Civil Rights will begin investigating claims of discrimination based on SOGI, but it also acknowledged that it must comply with the Religious Freedom Restoration Act. The Office for Civil Rights in the Department of Education has announced a [public virtual hearing](#) on the Title IX regulations in an effort to align them with President Biden's two executive orders which instruct federal agencies to prohibit LGBT discrimination, one of which [specifically points to Title IX](#), the law which prohibits sex discrimination in education. Title IX regulations were last finalized in August 2020 and included language which strengthened the law's religious exemption. The Biden administration has vowed to revise the regulations, charging they do not adequately protect victims of sexual violence. New regulations will likely redefine "sex" to include gender identity and sexual orientation. The DOE [public virtual hearing will begin on June 7](#) and members of the public are invited to attend and register to make a comment.

## **In Case You Missed It:**

[Weekly Market Update](#) provided by Jeff Beach of the [AACCS Investment Team at Merrill Lynch](#)

[Practical Legal Help for Christian Schools: ADF Ministry Alliance](#)

[Corporate Leaders Unable to Defend Support for So-called 'Equality Act'](#)

[House Republicans Target Teaching of Critical Race Theory](#)